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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,852	03/23/2001	Nga Marie Nguyen	SNY-P3983.01	5817

24337 7590 11/14/2005

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EXAMINER	
SHELEHEDA, JAMES R	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,852	NGUYEN ET AL.	
	Examiner	Art Unit	
	James Sheleheda	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9,11-18,25,28-38 and 40-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-9,11-18,25,28-38 and 40-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities:

The text of the body of claim 4 should removed, as the claim is now listed as cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 45 is rejected under 35 U.S.C. 102(e) as being anticipated by Legall et al. (Legall) (6,005,565) (of record).

As to claim 45, Legall discloses a television receiver device (Fig. 1), comprising:

a programmed processor (130; column 2, lines 11-14);

a web browser running on the programmed processor (column 2, lines 47-59), the web browser accessing a web based program guide as a current web page (column 2, lines 38-49), wherein the current web page has a current cursor location (column 4, lines 41-44 and lines 60-65);

an input receiving a user input signal from a remote control device (column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed either to a television control action (input number indicating a channel to tune to; column 4, lines 60-65) or to the current web page (input for text entry search fields or selection of items; column 3, lines 60-67 and column 4, lines 41-44 and lines 60-65);

a television manager program running on the programmed processor (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65), that receives user input signals and implements television control actions in response thereto (column 2, lines 9-17 and column 4, lines 60-65);

an event manager program running on the programmed processor (computer software controlling the system which handles the inputs; column 2, lines 9-28) that determines whether or not the input signal is directed to the current web page by determining whether or not the input signal is matched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65), wherein:

if the input signal is matched to the current cursor location, the event manager directs the input signal to the web browser and the web browser implements a command associated with the current cursor location (column 4, lines 40-44); and

if the input signal is not matched to the current cursor location:

the event manager determines that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager directs the input signal to the television manager (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager implements the television command (tuning to the indicated station ID; column 4, lines 60-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 8, 9, 13-15, 18, 31-33, 36-40, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall in view of Volk et al. (Volk) (5,673,401).

As to claims 1 and 14, Legall discloses a method of, and corresponding electronic storage medium for, tuning a television channel while displaying a web-based program guide (Fig. 2; column 2, lines 38-59), comprising:

generating a video signal to display the web-based program guide using a web browser application (column 2, lines 38-59), the display indicating a cursor location (column 4, lines 41-44);

receiving an input signal (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65) generated by a user via a user interface (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

at an event manager software (computer software controlling the system) determining that the input signal is unmatched to the current cursor location (determining that the input is a station ID entered to perform a channel change which is unrelated to the current cursor position; column 4, lines 60-65); and

at the event manager software, redirecting the input signal to a television manager as a result of determining that the input signal is unmatched to the current cursor location (computer software code controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65). While Legall discloses a web browser, television manager and event manager (as software in the system), he fails to specifically disclose separate software modules.

In an analogous art, Volk discloses an interactive television receiver (column 5, lines 21-61) wherein the operating system is created consisting of a plurality of different application programs (column 29, line 58-column 30, line 39) each designed to support a specific predefined application (column 29, lines 58-65) by utilizing well-known object-oriented programming mechanisms (column 29, lines 31-36) for the typical benefit of

providing develops of with more flexibility in adding new objects and elements to the system (column 29, lines 50-57).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include software modules, as taught by Volk, for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system.

As to claims 2 and 15, Legall and Volk disclose at the television manager software module,

determining that the input signal corresponds to a television command (wherein it is determined that an entered number is for a channel change; see Legall at column 4, lines 60-65); and

implementing the television command (tuning to the desired channel; see Legall at column 4, lines 60-65).

As to claims 7 and 18, Legall and Volk disclose wherein the receiving comprises receiving the input signal from a television remote control (see Legall at column 2, lines 26-28).

As to claim 8, Legall discloses a television set top box, comprising:

a programmed processor (column 2, lines 11-12);

a web browser software running on the programmed processor (column 2, lines 47-59), the web browser software accessing a web page as a current web page (column 2, lines 38-49);

an input forming part of a user interface (remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65) receiving a user input signal (user inputting commands into the remote; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed to either a television control action (input number indicating a channel to tune to; column 4, lines 60-65) or to the current web page (input for text entry search fields; column 3, lines 60-67);

a television manager software running on the programmed processor that receives user input signals and implements television control actions in response thereto (computer software code controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

an event manager software running on the programmed processor (computer software code controlling the system which handles the inputs; column 2, lines 9-28) that directs the input signal to the television manager in the event the input signal is not directed to the current web page (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65), and wherein the event manager determines that the input signal is not directed to the current web page if the input signal is not matched to the current cursor location (wherein a station ID is entered to perform a channel change which is unrelated to the current cursor position; column 4,

lines 60-65). While Legall discloses a web browser, television manager and event manager (as software in the system), he fails to specifically disclose separate software modules.

In an analogous art, Volk discloses an interactive television receiver (column 5, lines 21-61) wherein the operating system is created consisting of a plurality of different application programs (column 29, line 58-column 30, line 39) each designed to support a specific predefined application (column 29, lines 58-65) by utilizing well-known object-oriented programming mechanisms (column 29, lines 31-36) for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system (column 29, lines 50-57).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include software modules, as taught by Volk, for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system.

As to claim 9, Legall discloses wherein the current web page comprises a web based program guide page (Fig. 2; column 2, lines 38-59).

As to claim 13, Legall discloses wherein the input receives the user input signal from a television remote control (column 2, lines 26-28).

As to claim 31, Legall discloses a method of implementing a television command (column 4, lines 60-65) while displaying a web-based program guide (Fig. 2), comprising:

generating a video signal to display the web-based program guide (column 2, lines 38-49) using a web browser software (column 2, lines 47-59), the display indicating the current cursor location (column 4, lines 41-44 and lines 60-65);

receiving an input signal representing a user command (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

at an event manager software (computer software code controlling the system which handles the inputs; column 2, lines 9-28), determining whether the input signal is matched or unmatched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65);

if the event is matched to the current cursor location, the web browser software implementing a browser function associated with the current cursor location (column 4, lines 40-44);

if the event is not matched to the current cursor location:

the event manager software determining that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager software redirecting the input signal to a television manager software (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager software implementing the television command (tuning to the indicated station ID; column 4, lines 60-65). While Legall discloses a web browser, television manager and event manager (as software in the system), he fails to specifically disclose separate software modules.

In an analogous art, Volk discloses an interactive television receiver (column 5, lines 21-61) wherein the operating system is created consisting of a plurality of different application programs (column 29, line 58-column 30, line 39) each designed to support a specific predefined application (column 29, lines 58-65) by utilizing well-known object-oriented programming mechanisms (column 29, lines 31-36) for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system (column 29, lines 50-57).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include software modules, as taught by Volk, for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system.

As to claim 32, Legall and Volk disclose wherein the method is carried out in a television receiver device (system 100 receiving television signals; see Legall at column 2, lines 7-25).

As to claim 36, Legall and Volk disclose wherein the receiving comprises receiving the input signal from a television remote control (see Legall at column 2, lines 26-28).

As to claim 37, Legall and Volk disclose wherein the browser software module, the event manager software module and the television manager software module comprise software modules running on a programmed processor (see Legall at column 2, lines 7-61 and Volk at column 29, lines 58-65).

As to claim 38, Legall discloses a television receiver device (Fig. 1), comprising:

a programmed processor (130; column 2, lines 11-14);

a web browser software running on the programmed processor (column 2, lines 47-59), the web browser accessing a web page as a current web page (column 2, lines 38-49), wherein the current web page has a current cursor location (column 4, lines 41-44 and lines 60-65);

an input forming part of a user interface (remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65) receiving a user input signal (user inputting commands into the remote; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed either to a television control action (input number indicating a channel to tune

to; column 4, lines 60-65) or to the current web page (input for text entry search fields or selection of items; column 3, lines 60-67 and column 4, lines 41-44 and lines 60-65);

a television manager software running on the programmed processor that receives user input signals and implements television control actions in response thereto (computer software code controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

an event manager software running on the programmed processor (computer software code controlling the system which handles the inputs; column 2, lines 9-28) that determines whether or not the input signal is directed to the current web page by determining whether or not the input signal is matched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65), wherein:

if the event manager software module determines that the input is matched to the current cursor location, the event manager software directs the input signal to the web browser software and the web browser software implements a command associated with the current cursor location (column 4, lines 40-44); and

if the event is not matched to the current cursor location:

the event manager software determines that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager software redirects the input signal to the television manager software (computer software code controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager software implements the television command (tuning to the indicated station ID; column 4, lines 60-65). While Legall discloses a web browser, television manager and event manager (as software in the system), he fails to specifically disclose separate software modules.

In an analogous art, Volk discloses an interactive television receiver (column 5, lines 21-61) wherein the operating system is created consisting of a plurality of different application programs (column 29, line 58-column 30, line 39) each designed to support a specific predefined application (column 29, lines 58-65) by utilizing well-known object-oriented programming mechanisms (column 29, lines 31-36) for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system (column 29, lines 50-57).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include software modules, as taught by Volk, for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system.

As to claim 40, Legall and Volk disclose wherein the current web page comprises a web-based program guide page (see Legall at column 2, lines 38-59).

As to claim 43, Legall and Volk disclose wherein the input receives the user input signal from a television remote control (see Legall at column 2, lines 26-28).

As to claim 44, Legall discloses an apparatus for implementing a television command while displaying a web-based program guide (Fig. 2), comprising:

means for generating a video signal to display the we-based program guide (column 2, lines 38-49) using a web browser application (column 2, lines 47-59), the display indicating the current cursor location (column 4, lines 41-44 and lines 60-65);

means for receiving an input signal representing a user command (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

event manager software means (computer software controlling the system which handles the inputs; column 2, lines 9-28) for determining whether the input signal is matched or unmatched to the current cursor location (if the current command is a selection at a current position or a channel command unrelated to the cursor; column 4, lines 40-44 and lines 60-65);

wherein, if the input signal is matched to the current cursor location, a web browser software implements a browser function associated with the current cursor location (column 4, lines 40-44);

and wherein, if the input signal is not matched to the current cursor location:

the event manager software means determining that the input signal corresponds to a television command (directing the system to change the channel when a station ID channel change is entered; column 4, lines 60-65);

the event manager software means redirecting the input signal to a television manager means for managing operation of a television device (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

the television manager software means implementing the television command on the television device (tuning to the indicated station ID; column 4, lines 60-65).

While Legall discloses a web browser, television manager and event manager (as software in the system), he fails to specifically disclose separate software modules.

In an analogous art, Volk discloses an interactive television receiver (column 5, lines 21-61) wherein the operating system is created consisting of a plurality of different application programs (column 29, line 58-column 30, line 39) each designed to support a specific predefined application (column 29, lines 58-65) by utilizing well-known object-oriented programming mechanisms (column 29, lines 31-36) for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system (column 29, lines 50-57).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include software modules, as taught

by Volk, for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system.

As to claims 3 and 33, while Legall and Volk disclose the method carried out in a television receiver (Fig. 1; see Legall at column 2, lines 9-20), they fail to specifically disclose a television set top box.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to incorporate a television receiver into a set top box for the typical benefits of providing the television receiver system in a common and well known set-top box which can be easily placed near and used with a television.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall and Volk's system to include a television set top box for the typical benefits of providing the television receiver system in a common and well known set-top box which can be easily placed near and used with a television.

6. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (6,675,385) (of record) in view of Legall and Volk.

As to claim 25, Wang discloses a television Set-Top Box (Fig. 1, 24), comprising:

a programmed processor (column 3, lines 47-55);

a web browser software that runs on the programmed processor (column 3, lines 47-55);

a television manager software that controls television functions (software present to control the television; column 8, lines 5-21 and column 9, lines 4-14);

an input forming part of a user interface (remote control; column 8, line 5-8) receiving a user input signal (user activation of buttons; column 8, lines 5-8), wherein the user input signal comprises a command to display a program guide (column 8, lines 5-10), the command being passed from the input to the programmed processor (wherein the processor is controlling the browser; column 8, lines 5-10 and column 3, lines 47-55);

wherein, the programmed processor invokes the web browser software (column 8, lines 8-10 and column 3, lines 47-55) directed to a URL calling a web based program guide (wherein each EPG web page has a URL identifier and the system retrieves the EPG page for the current channel's guide; column 3, lines 62-67 and column 7, line 62-column 8, line 10) as a result of the input receiving the command to display a program guide (column 8, lines 5-10).

While Wang discloses wherein the program guide has a cursor location (navigating the guide and clicking a particular item; column 9, lines 1-6), he fails to specifically disclose wherein an event manager determines that the input signal is not directed to the web-based program guide if the input signal is not matched to the current cursor location, the event manager directs the input signal to the television manager in the event the input signal is not directed to the web-based program guide page and separate software modules.

In an analogous art, Legall discloses a television system (Fig. 1) wherein a current web page has a cursor location (column 4, lines 41-44 and lines 60-65), and wherein an event manager determines that the input signal is not directed to the current web page (such as for text entry; column 3, lines 57-67) if the input signal is not matched to a web page function (determining that the input command was a station ID command to change channels unrelated to the cursor position; column 4, lines 60-65), and directs the signal to a television manager in the event the input signal is not directed to the web-based program guide page (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65) for the typical benefit of allowing a user to continue inputting channel commands while viewing a web page (column 4, lines 60-65).

Additionally, in an analogous art, Volk discloses an interactive television receiver (column 5, lines 21-61) wherein the operating system is created consisting of a plurality of different application programs (column 29, line 58-column 30, line 39) each designed to support a specific predefined application (column 29, lines 58-65) by utilizing well-known object-oriented programming mechanisms (column 29, lines 31-36) for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system (column 29, lines 50-57).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include wherein an event manager determines that the input signal is not directed to the web-based program guide if the input signal is not matched to the current cursor location; and the event manager directs

the input signal to the television manager in the event the input signal is not directed to the web-based program guide page, as taught by Legall, for the typical benefit of allowing a user to continue inputting channel commands while viewing a web page.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Legall's system to include software modules, as taught by Volk, for the typical benefit of providing develops of with more flexibility in adding new objects and elements to the system.

As to claim 30, Wang, Legall and Volk disclose wherein the input receives the user input signal from a television remote control (see Wang at column 8, lines 5-8).

7. Claims 5, 6, 11, 12, 16, 17, 34, 35, 41, 42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall and Volk and further in view of Morrison et al. (Morrison) (6,591,292) (of record).

As to claims 5, 11, 16, 34, 41 and 46, while Legall and Volk disclose wherein an input signal corresponding to a user actuation of a numerical character 0-9 is considered to be unmatched by the event manager software module (an entered number is for a channel ID not directed to the EPG; see Legall at column 4, lines 60-65) to a text entry field of the web-based program guide (wherein text may be entered into specific fields for searching; see Legall at column 3, lines 57-67) and wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65), he fails to specifically

disclose determining the input is unmatched if the cursor is not situated on the text entry field.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (and therefore, which functions at other locations are not desired; column 13, lines 48-57) for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall and Volk's system to include determining the input is unmatched if the cursor is not situated on the text entry field, as taught by Morrison, for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions.

As to claims 6, 12, 17, 35 and 42, Legall, Volk and Morrison disclose wherein the actuation of a numerical character 0-9 is considered by the event manager software module to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; see Legall at column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the web-based program guide (text input fields; see Legall at Fig. 2; column 3, lines 60-67); and

wherein the television manager software module implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, Legall and Volk as applied to claim 25 above, and further in view of Morrison.

As to claim 28, while Wang, Legall and Volk disclose wherein an input signal corresponding to a user actuation of a numerical character 0-9 is considered to be a channel change command (an entered number is for a channel ID not directed to the EPG; see Legall at column 4, lines 60-65) and not a text entry command to a text entry field of the web-based program guide (wherein text may be entered into specific fields for searching; see Legall at column 3, lines 57-67) and wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65), he fails to specifically disclose determining the command is a channel change command if the cursor is not situated on the text entry field.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (and therefore, which functions at other locations are not desired; column 13, lines 48-57) for the typical

benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang, Legall and Volk's system to include determining the input is unmatched if the cursor is not situated on the text entry field, as taught by Morrison, for the typical benefit of allowing a single input to identify the specific function desired by a user from a plurality of available functions.

As to claim 29, Wang, Legall, Volk and Morrison disclose wherein the actuation of a numerical character 0-9 is considered to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the web-based program guide (text input fields; see Legall at Fig. 2; column 3, lines 60-67); and

wherein the television manager software module implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

Response to Arguments

9. Applicant's arguments with respect to the use of software "modules" have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed 06/07/05 have been fully considered but they are not persuasive.

a. In response to applicant's arguments towards Legall, in regards to determining if an input signal is unmatched to a current cursor position, it is noted that Legall specifically discloses performing a channel change by entering a station ID number (column 4, lines 60-65). The entering of the station ID (as opposed to selecting an item which is specifically dependent upon cursor location; column 4, lines 60-65) is unrelated to any cursor position and therefore meets the claim limitation of determining the command is unmatched to the current cursor position. More specifically, the claims do ***not*** require, as applicant seems to suggest, that the system do some sort of comparison between the input command and the current cursor position and determine whether the command is allowable at that position. The claim language ***only*** require that an input be determined to be "matched" or "unmatched" to a cursor position. Legall discloses wherein the user can perform 2 types of inputs, one based upon the cursor position and one which is cursor position independent. This meets the broad limitation of determining if the input is "unmatched" to the current cursor position, as any input which is independent of, and has nothing to do with, the current cursor position is "unmatched" with it.

Further, it is noted that all of the ways that applicant indicates, on page 11 of applicant's response, to differentiate a channel change from an EPG command would all still meet the claim limitation as they are "unmatched" and

unrelated to cursor position independent. The specific examples cited by applicant, of dedicated keys or other keys indicating that a channel change command is being made, would in fact both still read upon the limitation of "unmatched" as both of these methods are clearly means to indicate that a specific channel change is being implemented, and thus that the current cursor position is irrelevant.

b. On page 14, applicant argues that Morrison fails to disclose determining that a cursor position is unmatched to an input signal.

In response, as indicated above, this particular claim limitation was indicated as being taught by Legall. Morrison was simply relied upon to disclose utilizing cursor position when determining what command to perform.

c. On page 14, applicant argues that while entry of a station ID may be unrelated to a cursor position, there is no teaching or suggest in Legall of any sort of determination that they are unmatched.

In response, as indicated above, Legall specifically discloses two types of input commands,

Type 1, which is a input to the EPG based upon cursor position, such as highlighting and selecting a program; and

Type 2, which is not based upon cursor position, such as entry of a station ID.

Clearly the system differentiates between the two types of commands, determining whether a station ID has been entered or a cell in the EPG has been selected. By identifying the input as either cursor position dependent (EPG selection) or cursor position independent (station ID entry), the system clearly identifies the input as being "matched" or "unmatched" to the current cursor position.

It is once again noted that this claim limitation does *not* call for comparing the current cursor position to the input and determining whether the input belongs at the cursor position. The claim merely recites determining whether the input is "unmatched" to the current cursor position. Entry of commands independent of any cursor position clearly meet the broad limitation of "unmatched to the current cursor position" as they are "unmatched" to any cursor position.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JS

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